

PC Minutes 2/21/18

**ITEM NO. 1 REZONING FROM IBP TO IL; 1300 RESEARCH PARK DR (SLD)**

**Z-17-00689:** Consider a request to rezone approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1300 Research Park Dr. Submitted by Landplan Engineering PA on behalf of Wakarusa Plaza LC, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Brian Sturm, Landplan Engineering, said Professional Moving & Storage wanted a West Lawrence location to provide a storage building. He said industrially zoned land in West Lawrence was not common.

**PUBLIC HEARING**

Mr. Tiraz Birdie, Lawrence Montessori, felt the project would devalue the neighborhood and thought it would be more appropriate for industrial areas. He did not want the area to look like an industrial facility. He wanted to minimize impact of the use to his property. He wondered what legal authority Planning Commission had to rezone the property.

Commissioner Struckhoff asked staff what opportunity Mr. Birdie would have to make further comments on the project.

Ms. Day said the applicant submitted a site plan and would be subject to the Industrial Design Guidelines. She said any public comments about the project would be submitted to her. She said staff works with the applicant to insure compliance with the Code and Industrial Design Guidelines. She said staff also works with the applicant regarding neighborhood concerns. She said the site plan process provides notice to property owners within 400' and that there was also an appeal process.

**APPLICANT CLOSING COMMENTS**

Mr. Sturm said he looks forward to engage in the site plan review and meet City expectations.

**COMMISSION DISCUSSION**

Commissioner Culver asked if the only additional use with this request was the storage use.

Ms. Day said yes.

Commissioner Sands asked if it would be easier to add the use through a Special Use Permit.

Mr. McCullough said the alternative would be to do a Text Amendment to add the use to the IBP zoning district.

Commissioner Culver said conditional zoning in this regard made sense.

Commissioner Carpenter asked why the storage use was excluded from the IBP zoning district when it was created.

Ms. Day said it had to do with how the districts transferred from the old Code to the new Code. She said it was not a deliberate exclusion.

Mr. McCullough said when the IM district was built there was an extensive analysis of all the districts to look at distinctions and similarities. He said staff encouraged the applicant to do conditional zoning versus changing the Code.

Commissioner Willey said she did not have a problem with the use at the location and would hate to lose industrially zoned property. She said she would be in favor of the rezoning.

Commissioner Sinclair asked Commissioner Carpenter why he didn't like conditional zoning.

Commissioner Carpenter said they were changing the Code for one applicant. He said they were being asked to add one use to the zoning category. He felt there was a fine line between conditional zoning and spot zoning. He said there was no Kansas law for guidance and he worried about what they were setting up for the future. He expressed concern about striking all retail uses for the property.

### **ACTION TAKEN**

Motioned by Commissioner Willey, seconded by Commissioner Culver, to approve the request to rezone approximately 1.685 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, with use restrictions, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition: Permitted uses are limited to those listed below:

- a. *College/University*
- b. *Day Care Center*
- c. *Event Center, Small*
- d. *Event Center, Large*
- e. *Postal & Parcel Service*
- f. *Public Safety*
- g. *Active Funeral and Interment*
- h. *Temporary Shelter (Special Use only)*
- i. *Social Service Agency*
- j. *Community Meal Program (Special Use only)*
- k. *Utilities, Minor (Special Use only)*
- l. *Utilities and Service, major (Special Use only)*
- m. *Health Care Office, Health Care Clinic*
- n. *Active Recreation*
- o. *Participant Sports & Recreation, Indoor*
- p. *Participant Sports & Recreation, Outdoor*
- q. *Passive Recreation*
- r. *Nature Preserve/Undeveloped*
- s. *Veterinary*
- t. *Accessory Bar (Accessory Use only)*
- u. *Restaurant, Quality*
- v. *Administrative and Professional (Office)*
- w. *Financial, Insurance & Real Estate (Office)*
- x. *Payday Advance, Car Title Loan Business*
- y. *Office, Other*
- z. *Parking Facility, Commercial*
  - aa. *Business Equipment*
  - bb. *Business Support*
  - cc. *Maker Space, Limited*
  - dd. *Maker Space, Intensive*
  - ee. *Manufacturing & Production, Ltd.*

- ff. Manufacturing & Production, Tech.*
- gg. Research Service*
- hh. Exterior Storage (Accessory Use only)*
- ii. Wholesale Storage & Distribution, Light*
- jj. Mini-warehouse*
- kk. Agriculture, Crop*
- ll. Agricultural, small animal (Accessory Use Only)*
- mm. Farmer's Market*
- nn. On-site agricultural sales (Accessory Use only)*
- oo. Amateur & Receive-Only Antennas (Accessory Use Only)*
- pp. Broadcasting Tower*
- qq. Communications Service Establishment*
- rr. Wireless Facility - Antenna (Accessory Use only)*
- ss. Wireless Support Structure (Special Use only)*
- tt. Satellite dish (Accessory Use only)*
- uu. Recycling Facilities, Small Collection*

Motion carried 7-2, with Commissioners Carpenter and Paden voting in opposition.